

Article - Business Regulation

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§5–101.

- (a) In this title the following words have the meanings indicated.
- (b) (1) “Burial goods” means goods that are used in connection with burial.
- (2) “Burial goods” includes:
 - (i) a casket;
 - (ii) a grave liner;
 - (iii) a memorial;
 - (iv) a monument;
 - (v) a scroll;
 - (vi) an urn;
 - (vii) a vase; and
 - (viii) a vault.
- (c) “Burial goods business” means a business that provides burial goods.
- (d) (1) “Cemetery” means land used or to be used for interment.
- (2) “Cemetery” includes a structure used or to be used for interment.
- (e) “Cremation” means the process of reducing human remains to bone fragments through intense heat and evaporation, including any mechanical or thermal process.
- (f) “Crematory” means a building, portion of a building, or structure that houses the necessary appliances and facilities for cremation.
- (g) “Director” means the Director of the Office of Cemetery Oversight.

(h) “Engage in the operation of a cemetery” means owning, controlling, or managing a cemetery, including performing activities necessary for:

(1) the establishment, improvement, care, preservation, or embellishment of a cemetery;

(2) interment; and

(3) the providing of burial space or burial goods.

(i) (1) “Engage in the operation of a crematory” means controlling or managing a crematory.

(2) “Engage in the operation of a crematory” does not include:

(i) the practice of funeral direction or the practice of mortuary science; or

(ii) 1. assistance in making decisions and filling out forms that are not directly related to cremation;

2. obtaining vital statistics, signatures, and other information necessary to complete a death certificate;

3. transportation of a body to the place of disposition; or

4. any other services regarding the disposition of a body that are not directly related to cremation.

(j) “Funeral establishment” means a building, structure, or premises from which the business of funeral directing or embalming is conducted.

(k) (1) “Human remains” means:

(i) the body of a deceased person; or

(ii) a part of a body or limb that has been removed from a living person.

(2) “Human remains” includes the body or part of a body or limb in any state of decomposition.

(l) “Interment” means all final disposition of human remains, including:

- (1) earth burial;
- (2) mausoleum entombment; and
- (3) niche or columbarium interment.

(m) “Office” means the Office of Cemetery Oversight.

(n) “Permit” means a permit issued by the Director to allow a partnership, limited liability company, or corporation to operate a business through which a registrant may:

- (1) engage in the operation of a cemetery or crematory; or
- (2) provide burial goods.

(o) (1) “Preneed goods” means burial goods that are sold before the buyer’s death.

- (2) “Preneed goods” does not include burial space.

(p) “Provide burial goods” means a retail transaction:

- (1) to erect, service, or inscribe burial memorials; or
- (2) to sell burial goods.

(q) “Registered cemeterian” means an individual registered to operate a cemetery as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

(r) “Registered crematory operator” means an individual registered to operate a crematory as a sole proprietor or on behalf of a sole proprietor or permit holder.

(s) “Registered seller” means an individual registered to provide burial goods as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

(t) “Registration” means a registration issued by the Director authorizing an individual to operate a cemetery, to operate a crematory, or to provide burial goods.

(u) “Responsible party” means a sole proprietor or the individual designated by a partnership, limited liability company, or corporation to be responsible for the operations of a cemetery, crematory, or burial goods business.

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